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June 15, 2020

VIA ECF

The Honorable Ona T. Wang
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re Application of Vale S.A., Vale Holdings B.V., and Vale International S.A. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings*, No. 20-mc-199-JGK-OTW

Dear Judge Wang:

We write on behalf of Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Vale”), the petitioners in the above-captioned application to conduct discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 (the “Application”).¹ Shortly after we wrote last Monday to advise the Court that no further objections had been filed by the June 5, 2020 deadline, Nysco Management Corporation (“Nysco”), a Defendant in the underlying English Proceedings, filed an opposition. See ECF Nos. 24-26. Two days later, Respondents RFR Holding LLC, RFR Realty LLC, R&S Chrysler LLC and Aby Rosen (collectively, “RFR”) filed a joinder to Nysco’s opposition. See ECF No. 32. Notwithstanding their untimely nature, Vale today filed replies to the Nysco opposition and the RFR joinder. See ECF Nos. 34-37.

As Vale’s Application was filed nearly two months ago, all Defendants and Respondents were served nearly a month ago, and all objections have been fully briefed, the Application is now indisputably ripe for determination. Vale therefore respectfully requests that

¹ All capitalized terms not defined herein have the meaning ascribed to them in the Memorandum of Law in Support of *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, ECF No. 2.

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the Court deny the objections of Respondent Fine Arts LLC (“Fine Arts”) and Defendant Nysco, and the joinder of Respondent RFR and grant Vale leave to serve the Subpoenas on all Respondents. See ECF No. 4 (Proposed Order).

Thank you for Your Honor’s consideration. We are, of course, available at the Court’s convenience to address any questions or concerns regarding the Application.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal
Jeffrey A. Rosenthal

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